

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

R.J. REYNOLDS TOBACCO COMPANY, )  
)  
LORILLARD TOBACCO COMPANY, )  
)  
COMMONWEALTH BRANDS, INC., )  
)  
LIGGETT GROUP LLC, )  
)  
and )  
)  
SANTA FE NATURAL TOBACCO )  
COMPANY, INC., )  
)  
Plaintiffs, )  
)  
v. )  
)  
UNITED STATES FOOD AND DRUG )  
ADMINISTRATION, )  
)  
MARGARET HAMBURG, Commissioner of )  
the United States Food and )  
Drug Administration, )  
)  
and )  
)  
KATHLEEN SEBELIUS, Secretary of the )  
United States Department of Health )  
and Human Services, )  
)  
Defendants. )

Civil Case No. 11-1482 (RJL)

  
ORDER

February 29, 2012 [Dkt. #10 and #35]

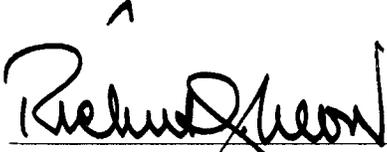
For the reasons set forth in Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Summary Judgment, and based on the Court's review of both parties' arguments and the agency record, it is this 29<sup>th</sup> day of February, 2012 hereby

**ORDERED** that Plaintiffs' Motion for Summary Judgment [Dkt. #10] is GRANTED; and it is further

**ORDERED** that Defendants' Cross-Motion for Summary Judgment [#35] is DENIED; and it is further

**ORDERED** that the FDA is permanently enjoined, until 15 months following the issuance of new regulations implementing Section 201(a) of the Tobacco Control Act that are substantively and procedurally valid and permissible under the United States Constitution and federal law, from enforcing against Plaintiffs in this action the new textual and graphic warnings required by Section 201(a) of the Tobacco Control Act.

**SO ORDERED.**

  
RICHARD J. LEON  
United States District Judge